

Senate File 2103 - Introduced

SENATE FILE 2103

BY JOCHUM

A BILL FOR

1 An Act relating to services provided by assisted living
2 programs.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 231C.1, subsection 2, paragraph b, Code
2 2011, is amended to read as follows:

3 b. To establish standards for assisted living programs that
4 allow flexibility in design which promotes a social model of
5 service delivery by focusing on independence, individual needs
6 and desires, and consumer-driven quality of service, and that
7 provide consumer protections to ensure program transparency,
8 oversight, and accountability.

9 Sec. 2. Section 231C.1, subsection 3, Code 2011, is amended
10 to read as follows:

11 3. It is the intent of the general assembly that the
12 department promote a social model for assisted living programs,
13 provide consistent standards and oversight to ensure protection
14 of consumers, and utilize a consultative process to assist with
15 compliance by assisted living programs.

16 Sec. 3. Section 231C.2, subsection 2, Code Supplement 2011,
17 is amended to read as follows:

18 2. a. "Assisted living" means the provision to three or
19 more tenants of a social model of housing with in a physical
20 structure which provides a homelike environment and balances
21 individual privacy with the benefits of social interaction and
22 provides associated services which may.

23 b. The social model shall provide an environment that
24 supports each tenant in maximizing the tenant's highest
25 practicable level of well-being through individualized,
26 stimulating, and purposeful activities, connections to and
27 interaction with the outside community, and other interventions
28 that assist a tenant in maintaining optimal independence while
29 delaying further decline from any existing health, cognitive,
30 mental health, or functional condition.

31 c. The services offered shall include but are not limited to
32 health-related the following:

33 (1) Health-related care, or personal care, and assistance
34 with instrumental activities of daily living to three or more
35 tenants in a physical structure which provides a homelike

1 environment.

2 ~~(2) "Assisted living" also includes~~ The encouragement
3 of family involvement, tenant self-direction, and tenant
4 participation in decisions that emphasize choice, dignity,
5 privacy, individuality, shared risk, and independence in a
6 manner commensurate with the tenant's health, cognitive,
7 mental health, and functional status. ~~"Assisted living"~~
8 ~~includes the provision of housing and assistance with~~
9 ~~instrumental activities of daily living only if personal care~~
10 ~~or health-related care is also included.~~ ~~"Assisted living"~~
11 ~~includes~~

12 ~~(3) Access to awake staff twenty-four hours per day~~
13 ~~response staff to meet a tenant's scheduled and unscheduled~~
14 ~~or unpredictable needs commensurate with the tenant's health,~~
15 ~~cognitive, mental health, and functional status, in a manner~~
16 ~~that promotes maximum dignity and independence and provides~~
17 ~~supervision, safety, and security.~~

18 d. Services may include assistance with instrumental
19 activities of daily living.

20 Sec. 4. Section 231C.5, subsection 2, paragraph a, Code
21 Supplement 2011, is amended to read as follows:

22 a. A description of all fees, charges, and rates describing
23 tenancy and basic services covered, and any additional and
24 optional services and their related costs. The occupancy
25 agreement shall also include the circumstances under which
26 fees, charges, or rates are subject to change, and the process
27 by which such change is made including but not limited to a
28 provision of timely notice of such change.

29 Sec. 5. Section 231C.5, subsection 2, Code Supplement 2011,
30 is amended by adding the following new paragraph:

31 NEW PARAGRAPH. g. The specific type and level of services
32 the program provides and the specific health, cognitive, mental
33 health, or functional condition that, by law, prohibit initial
34 occupancy or may necessitate subsequent transfer or involuntary
35 transfer.

1 Sec. 6. RULES. The department of inspections and appeals
2 shall adopt rules to implement the provisions of this Act.

3 EXPLANATION

4 This bill amends Code sections related to assisted living
5 programs. The bill adds that the purpose of establishing an
6 assisted living program includes providing consumer protections
7 to ensure program transparency, oversight, and accountability.
8 The bill provides that it is the intent of the general assembly
9 that the department of inspections and appeals provide
10 consistent standards and oversight to ensure protection of
11 consumers of assisted living programs.

12 The bill amends the definition of "assisted living" to
13 mean the provision of a social model of housing in a physical
14 structure with services to three or more tenants. The physical
15 structure must balance individual privacy with the benefits
16 of social interaction. The bill provides that the social
17 model must create an environment that supports the tenant in
18 maximizing the highest practicable level of well-being that
19 assists the tenant in maintaining optimal independence and
20 delaying further decline in any existing health, cognitive,
21 mental health, or functional condition.

22 The bill amends the definition of "assisted living" to
23 include as required assisted living services, health-related
24 care, the encouragement of family involvement, tenant
25 self-direction, and tenant participation in a manner
26 commensurate with the tenant's health, cognitive, mental
27 health, and functional status, and access to awake staff 24
28 hours per day to meet the tenant's needs commensurate with
29 the tenant's health, cognitive, mental health, and functional
30 status. The bill provides that assisted living services may
31 include assistance with instrumental activities of daily
32 living.

33 The bill provides that a written occupancy agreement
34 shall include the circumstances under which fees, charges, or
35 rates are subject to change and the process for making the

1 changes including a provision for timely notice. The bill
2 also requires a written occupancy agreement to include the
3 specific type and level of services the program provides and
4 the specific health, cognitive, mental health, or functional
5 conditions that prohibit initial occupancy or may necessitate
6 subsequent transfer.